

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNIE WASHINGTON,

Defendant.

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No. 3:22-CR-72-KAC-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Johnnie Washington's Unopposed Motion to Continue Trial and All Deadlines [Doc. 26], filed on November 7, 2022. Defendant Washington asks the Court to continue the December 6, 2022 trial date and all associated deadlines because the parties are still waiting for certain drug testing results, they cannot reach a resolution of this case until such results are obtained, and counsel will need time to file and litigate certain pretrial motions if a resolution is not ultimately reached. Defense counsel states in the motion that he has spoken with counsel for the Government, who does not oppose the continuance.

The Court finds Defendant's motion to continue the trial and related deadlines is unopposed by the Government and well taken. The Court also finds the ends of justice served by granting a continuance outweigh the interest of Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Defense counsel relates in the motion that certain drug testing results are not yet available. Counsel further states that the parties have sought in good faith to reach a resolution of the case prior to trial, but are unable to do so in the absence of the results. In addition, counsel states that if efforts to reach an agreement are not ultimately successful, he would likely need to file and litigate

one or more pretrial motions. Counsel avers that for these reasons, a continuance would serve the ends of justice. The Court concludes that parties need additional time to receive the still-outstanding discovery, work towards a plea agreement, and prepare for trial in the event plea negotiations are not fruitful. The Court finds all of this cannot be done by the December 6, 2022 trial date, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Defendant Washington's Unopposed Motion to Continue Trial and All Deadlines [**Doc. 26**], is therefore **GRANTED**. The parties have conferred with Chambers and agreed on a new trial date. The trial of this case is reset to **May 9, 2023**. All of the time between the filing of the motion on November 7, 2022, and the new trial date of May 9, 2023, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B). The Court also sets a new trial schedule, as stated below.

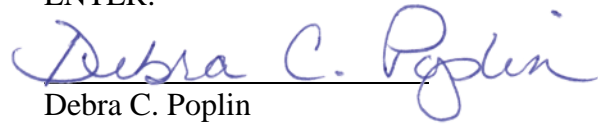
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Johnnie Washington's Unopposed Motion to Continue Trial and All Deadlines [**Doc. 26**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **May 9, 2023, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **November 7, 2022**, and the new trial date of **May 9, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing pretrial motions is extended to **January 30, 2023**. Responses to motions are due on or before **February 13, 2023**. Any necessary hearing on pretrial motions will be set at a later date;
- (5) The deadline for filing a plea agreement in the record and providing reciprocal discovery is **April 7, 2023**;
- (6) The deadline for filing motions *in limine* is **April 24, 2023**;
- (7) The parties are to appear before the undersigned for a final pretrial conference on **April 25, 2023, at 10:30 a.m.**; and

- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **April 28, 2023**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge